

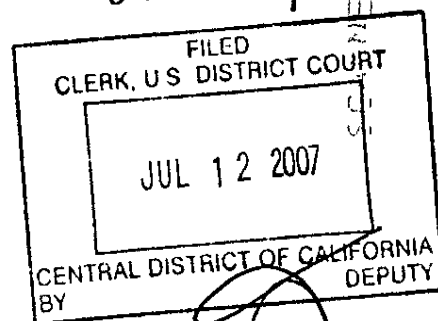
Sweet People Apparel Inc v. Forever 21 Inc

Doc. 2

1 Suzanne V. Wilson (State Bar No. 152399)
 Email: suzanne.wilson@aporter.com
 2 ARNOLD & PORTER LLP
 777 South Figueroa Street, 44th Floor
 3 Los Angeles, California 90017-5844
 Telephone: (213) 243-4000
 4 Facsimile: (213) 243-4199

5 Louis S. Ederer (Admitted *Pro Hac Vice*)
 Email: louis.ederer@aporter.com
 6 John Maltbie (Admitted *Pro Hac Vice*)
 Email: john.maltbie@aporter.com
 7 ARNOLD & PORTER LLP
 399 Park Avenue
 8 New York, New York 10022
 Telephone: (212) 715-1000
 9 Facsimile: (212) 715-1399

10 Attorneys for Plaintiff Sweet People Apparel, Inc.



11 UNITED STATES DISTRICT COURT
 12 CENTRAL DISTRICT OF CALIFORNIA
 13 WESTERN DIVISION

LOGGED

2007 JUL 10 PM 4:41
 CLERK, U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES
 BY [Signature]

14 SWEET PEOPLE APPAREL, INC.,

15 Plaintiff,

16 v.

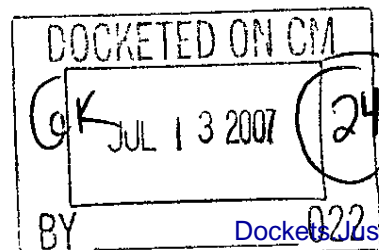
17 FOREVER 21, INC. and 2253
 18 APPAREL, INC. d/b/a CELEBRITY
 19 PINK JEANS,

20 Defendants.

Case No. CV 07-1221 RGK (MANx)

**STIPULATION TO FILE A FIRST
 AMENDED COMPLAINT AND
 [PROPOSED] ORDER THEREON**

21
 22 Plaintiff Sweet People Apparel, Inc. ("Sweet People") and defendant Forever
 23 21, Inc. ("Forever 21") and have determined that it is appropriate to enter into an
 24 agreement to allow Sweet People to file a First Amended Complaint without seeking
 25 leave of Court. Accordingly, Microsoft and Forever 21, through their respective
 26 counsel of record, HEREBY STIPULATE AND AGREE as follows:



1 WHEREAS Sweet People filed this action against Forever 21 on February 23,
2 2007 alleging two claims of copyright infringement arising out of claims involving
3 Sweet People's M Pocket Stitch Design and Cut-Out Insert Design;

4 WHEREAS Forever 21 filed an answer to the complaint on May 3, 2007;

5 WHEREAS Forever 21 has identified 2253 Apparel, Inc. d/b/a Celebrity Pink
6 Jeans ("Celebrity Pink") as the vendor that supplied Forever 21 with the alleged
7 infringement of Sweet People's alleged M Pocket Stitch Design and Nikki-Viki
8 Apparel, Inc. d/b/a Niki Biki ("Niki Biki") as the vendor of the alleged infringement
9 of Sweet People's alleged Cut-Out Insert Design;

10 WHEREAS Sweet People, Forever 21 and Niki Biki have agreed to resolve
11 the claim with respect to the Cut-Out Insert Design;

12 WHEREAS, as part of such resolution, Sweet People and Forever 21 have
13 agreed that Sweet People shall (i) file a First Amended Complaint withdrawing the
14 claim with respect to the Cut-Out Insert Design and adding Celebrity Pink as a
15 defendant for the claim pertaining to the M Pocket Stitch Design; and (ii) provide a
16 release to Forever 21 and Niki Biki for the claim with respect to the Cut-Out Insert
17 Design upon the execution of a Settlement Agreement;

18 WHEREAS an original and one copy of Sweet People's First Amended
19 Complaint are being lodged concurrently herewith, as provided in United States
20 District Court for the Central District of California, Local Rule 15-1;

21 WHEREAS defendant Forever 21 stipulates to the filing of the First Amended
22 Complaint;

23 IT IS HEREBY STIPULATED AND AGREED, by and between the parties
24 hereto, through their respective counsel of record, that the [Proposed] First Amended
25 Complaint can and shall be filed upon the Court's Order approving such filing; and

26 IT IS HEREBY STIPULATED AND AGREED, by and between the parties
27 hereto, through their respective counsel of record, that defendant's answer or
28

SCANNED

response to the First Amended Complaint shall be due twenty (20) days following the issuance of the Court's Order.

DATED: July 10, 2007

ARNOLD & PORTER

By: Suzanne V. Wilson
Suzanne V. Wilson
Attorneys for Sweet People Apparel, Inc.

DATED: July __, 2007

SILVER & FREEDMAN

By: _____
Mitchell N. Reinis
Attorneys for Forever 21, Inc.

ORDER

IT IS SO ORDERED.

DATED: _____, 2007

The Honorable R. Gary Klausner
United States District Court Judge

SCANNED

1 response to the First Amended Complaint shall be due twenty (20) days following
2 the issuance of the Court's Order.

3
4
5 DATED: July __, 2007

ARNOLD & PORTER

6
7 By: _____
Suzanne V. Wilson
8 Attorneys for Sweet People Apparel, Inc.

9
10 DATED: July 10, 2007

SILVER & FREEDMAN

11
12 By: Mitchell N. Reinis
13 Mitchell N. Reinis
14 Attorneys for Forever 21, Inc.

15 ORDER

16 IT IS SO ORDERED.

17
18 DATED: JUL 12 2007, 2007

19 Gary Klausner
20 The Honorable R. Gary Klausner
United States District Court Judge
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss
 COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 777 South Figueroa Street, 44th Floor, Los Angeles, California 90017-5844.

On June 11, 2007, I served the foregoing document described as: **STIPULATION TO FILE A FIRST AMENDED COMPLAINT AND [PROPOSED] ORDER THEREON**

☐ by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

☒ by placing ☐ the original and ☒ a true copy thereof enclosed in sealed envelope(s) addressed as follows:

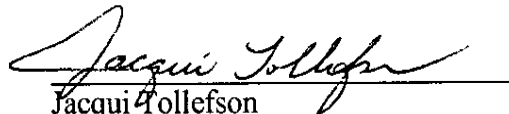
Mitchell N. Reinis
 Silver & Freedman
 2029 Century Park East, 19th Floor
 Los Angeles, CA 90067-3005

☒ **BY MAIL** I placed such envelope with postage thereon prepaid in the United States Mail at 777 South Figueroa Street, 44th Floor, Los Angeles, California 90017-5844. Executed on June 11, 2007, at Los Angeles, California.

☐ **BY FACSIMILE** The above-referenced document (together with all exhibits and attachments thereto) was transmitted via facsimile transmission to the addressee(s) as indicated on the attached mailing list on the date thereof. The transmission was reported as completed and without error. Executed on at Los Angeles, California.

☐ **STATE** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ **FEDERAL** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


 Jacquie Tollefson